

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

TINA LUCIA,
Plaintiff,

v.

ANDREW SAUL, Commissioner of Social
Security,
Defendant.

No. 3:20-cv-01730 (SRU)

**ORDER GRANTING COMMISSIONER’S CONSENT MOTION FOR ENTRY OF
JUDGMENT WITH REVERSAL AND REMAND**

The defendant, Andrew Saul, Commissioner of the Social Security Administration, has moved to enter judgment under sentence four of 42 U.S.C. § 405(g), with a reversal and remand of the cause to the Commissioner for further action. *See* Doc. No. 20. Counsel for the Commissioner represents that he has contacted counsel for the plaintiff who consents to the relief sought in the motion.

Under sentence four of 42 U.S.C. § 405(g), I have the authority to enter a judgment with a reversal and remand of the cause to the Commissioner for further proceedings. *See Shalala v. Schaefer*, 509 U.S. 292, 297 (1993); *Melkonyan v. Sullivan*, 501 U.S. 89, 98 (1991). Remand for further development of the record is appropriate when gaps exist in the administrative record or when the administrative law judge (“ALJ”) committed legal error. *See Parker v. Harris*, 626 F.2d 225, 235 (2d Cir. 1980).

Here, the Commissioner has determined that a remand of the case for additional administrative proceedings is necessary. Upon remand, the Appeals Council will affirm the finding of disability beginning December 8, 2018, with respect to the application for supplemental security income under Title XVI. With respect to the application for disability

insurance benefits under Title II, the agency will address the borderline age issue in compliance with HALLEX I-2-2-42; reassess the Plaintiff's residual functional capacity; further consider which Medical-Vocational guidelines apply; and, if warranted, obtain supplement evidence from a vocational expert. Accordingly, I **GRANT** the Commissioner's Consent Motion for Entry of Judgment Under Sentence Four of 42 U.S.C. § 405(g). The Clerk shall enter a judgment of reversal and remand under sentence four of 42 U.S.C. § 405(g), and shall remand the case to the Commissioner for further proceedings consistent with the motion.

So ordered.

Dated at Bridgeport, Connecticut, this 22nd day of June 2021.

/s/ STEFAN R. UNDERHILL
Stefan R. Underhill
United States District Judge